

## REMARKS

By this amendment, claims 1-21 are pending in the present application.

Independent claims 1 and 7 have been amended herein.

New claims 9-21 have been added directed to other patentable aspects. For example, Applicants submit that the references of record fail to disclose or suggest the features of "means for dispensing a stop solution to the matrix of wells, wherein the means for dispensing a stop solution dispenses the stop solution based on the time duration exceeding a predetermined time," as recited in claim 10; and "a reagent container having a plurality of container portions for storing a reagent and having a plurality of container portions for storing a reagent stop solution," and "time setting means for setting a period of time between introduction of the reagent into a row or a column of the microplate and introduction of the reaction stop solution in to the row or the column of the microplate" as recited in claim 15. Also, the references fail to disclose or suggest the feature of "simulation means for calculating a period of time required for executing the one or more processes" and "display means for indicating an alarm if the calculated period of time for executing the one or more processes exceeds the predetermined period of time" as recited in claim 21. Further, the references fail to disclose or suggest the features of "each of the plurality of timers being provided for each of the columns of the plurality of wells of the microplate" and "each of the plurality of timers being provided for each of the rows of the plurality of wells" as recited by claim 16 and 17.

No new matter has been added. Applicants request reconsideration in view of

the amendments and following remarks.

**Rejections Under 35 U.S.C. § 112**

Claims 1 and 7 have been rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The rejection of claim 1 is traversed by an amendment that clarifies the time measuring means.

The rejection of claim 7 is traversed by an amendment that specifies "simulating" instead of "stimulating." Also, the antecedent basis for the "time-setting means" has been rendered moot.

Reconsideration and withdrawal of this rejection is respectfully requested.

**Rejections Under 35 U.S.C. § 103**

Claims 1-8 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Nakano (U.S. Patent No. 6,006,800) in view of Akong (U.S. Patent No. 5,670,113). The rejection is respectfully traversed.

Nakano is directed to an automatic liquid system comprising a dispensing tip container 2 for holding dispensing tips 44, and a dispensing head 21. The dispensing head 21 is configured to suck or dispense liquid. The system of Nakano has a moving mechanism 11 for moving the dispensing head 21. Also, a reagent container 3 and microplate 4 are provided.

However, Nakano fails to disclose many features as required by independent

claims 1 and 7. For example, Nakano fails to disclose the many limitations of independent claims 1 and/or 7 including:

a control device that controls the sucking and expelling operations performed by the dispensing head and also controls the moving means to control movements of the dispensing head, the control device having input means for inputting one or more processes to be executed by the dispensing head; and

time measuring means for measuring time starting from dripping the reagent into selected wells on the microplate by the expelling operation performed by the dispensing head and triggering dispensing a stop solution at a predetermined time based on the measuring.  
(Emphasis added)

and also,

self-diagnosing means for simulating time to execute the one or more processes to be executed by the dispensing head and determining whether the one or more processes are executable within a predetermined time.

The Office Action looks to Akong to supply the missing features of Nakano.

However, Applicants respectfully submit that Nakano also fails to disclose or suggest all the missing features.

Akong is directed to an automated measurement apparatus that comprises a pipette controller 139 that moves the pipettes to individually deliver specific reagents to a well (col. 4, ll. 22-40). However, Akong fails to disclose or suggest at least the following limitations as required by independent claim 1, including:

time measuring means for measuring time starting from dripping the reagent into selected wells on the microplate by the expelling operation performed by the dispensing head and triggering dispensing a stop solution at a predetermined time based on the measuring.  
(Emphasis added)

And also, Akong fails to disclose or suggest at least the following limitations as required in part by independent claim 7:

self-diagnosing means for simulating time to execute the one or more processes to be executed by the dispensing head and determining whether the one or more processes are executable within a predetermined time.  
(Emphasis added)

The Office Action cites a passage (col. 13, lines 40-67) from Akong to demonstrate that a reagent time stamp is stored [at page 5]. However, these time stamps are associated with taking post-reagent measurements (using excitation light wave radiation) as described in accordance with col. 13, lines 12-41), which is much different from the requirements of claims 1 and 7.

Since neither Nakano nor Akong, either when taken singly or when taken alone discloses all the limitations of claims 1 and 7, Applicants submit that independent claims 1 and 7 and those claims depending therefrom are allowable. Furthermore, none of the other prior art of record supply the missing limitations, either alone or in combination.

Moreover a rejection under 35 U.S.C. § 103 based on obviousness cannot be properly maintained without the proper motivation to combine the elements. Here the applied references fail to provide any motivation that would lead one of ordinary skill in the art to combine the references in a manner set forth in the Official Action. Accordingly, the Examiner is respectfully requested to withdraw the rejection under 35 U.S.C. § 103.

Reconsideration and withdrawal of the 35 U.S.C. § 103 rejection is respectfully requested.

#### Support for the Amendments to Independent Claims 1 and 7

Support for amendments to claim 1 may be found at least at page 11, lines 4-12;

and page 18, lines 6 to page 19, line 2, for examples, in view of Figs. 3 and 6.

Support for the amendments to claim 7 may be found at least at page 11, line 13 to page 13, line 23, in view of Fig. 4, for example.

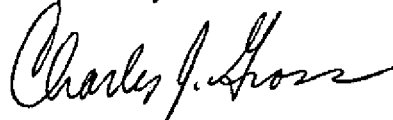
### CONCLUSION

In view of the foregoing remarks, Applicants submit that all of the claims are clearly distinguished over the art of record and are in condition for allowance. Prompt and favorable consideration is requested.

The Examiner is invited to contact the undersigned if deemed warranted to facilitate advancing the application in its examination.

Applicants believe that no extensions of time are required at this time. However, if extensions of time are necessary to prevent abandonment of this application, such extensions of time are hereby petitioned for under 37 C.F.R. §1.136(a), and any fees required therefore to properly maintain this application as pending (including fees for net addition of claims) are hereby authorized to be charged to our Deposit Account No. 23-1951. Further, please charge any deficiencies in fees and credit any overpayment of fees to Attorney's Deposit Account No. 23-1951.

Respectfully submitted,



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